

From: Kevin Bong
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:33pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am an Information Technology Professional with experience in both programming and systems administration with various technology platforms, including the Microsoft Windows operating system. I am also a Microsoft Certified Systems Engineer.

I have closely followed the recent Microsoft antitrust trial, and have thoroughly reviewed the Proposed Final Judgement. I strongly feel that the remedies put forth in the Proposed Final Judgement are INSUFFICIENT. The following are some reasons supporting this conclusion.

The Proposed Final Judgement does not give protection to competing operating systems and products that implement or emulate the Windows API's, allowing them to run software written for Windows. In fact, the Proposed Final Judgement restricts information on Windows API's to be released for the purpose of writing competing operating systems that interoperate with Windows.

One of the main problems of interoperation with the Windows operating system is the use of proprietary, undocumented file formats and communications protocols. A critical component of the success of competing products is interoperability with Microsoft products. Disclosure of file formats and protocols, as well as a competitors ability to read, write, and emulate these formats and protocols is necessary. The Proposed Final Judgement does not take any steps to break this barrier to entry.

Microsoft denies competing operating systems entry into the market by using overly restrictive licensing terms and by building intentional incompatibilities into software. The Proposed Final Judgement does not prohibit these activities. Microsoft currently has licensing terms which restrict Open Source software from running on Windows. Microsoft also has licensing terms which restrict Microsoft applications from running on Open Source operating systems. These issues NEED to be addressed for the Proposed Final Judgement to be effective.

The Proposed Final Judgement WILL NOT work to unfetter the market from Microsoft's anticompetitive conduct, WILL NOT prevent Microsoft from denying competitive products entry into the market, WILL NOT deny Microsoft the benefits of their illegal activities, and WILL NOT prevent Microsoft from furthering their illegal monopoly into other markets in the future.

Sincerely,

Kevin M. Bong
121 S. Wisconsin St.
Elkhorn, WI 53121